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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,578	02/09/2004	Wheeler Neff	11678-00001-US	1473
23416 7590 10/31/2007 CONNOLLY BOVE LODGE & HUTZ, LLP P O BOX 2207 WILMINGTON, DE 19899			EXAMINER TRAN, THUAN Q	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/775,578

Applicant(s)

NEFF ET AL.

Examiner

Thuan Tran

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2-27-2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the US application filed on 2-9-2004.
2. Claims 1-13 are currently pending and have been examined.

### **Information Disclosure Statement**

3. The Information Disclosure Statement filed on 2-27-2004 has been considered.  
An initialed copy of the Form 1449 is enclosed herewith.

### **Drawings**

4. The drawings are objected to because:
5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 5 and 6 recite the limitation "said account" and "said bank account," respectively, in the first line of the claims. There is insufficient antecedent basis for this limitation in the claim. It is unclear if the account is referring to the "newly created account" as described in claim 1(f) and 1(g) or the "bank checking account of said borrower" in claim 1(h). For the purposes of this examination, the examiner will take "said account" and "said bank account" to refer to the "newly created account" as described in claim 1(f) and 1(g).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1, 2, 4-7, 9, 10, and 13**, as interpreted by the examiner above, are rejected under 35 U.S.C. 102(b) as being anticipated by Mon, US 2002/0055904.

11. **As per claim 1**, Mon teaches:

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- a) a borrower not residing in the same state as the location of a licensed lender (see at least paragraph 0014), contacting said licensed lender about obtaining a loan (see at least paragraph 0017);
- (b) said licensed lender forwarding a loan application to said borrower (see at least paragraph 0041, the borrower inherently receives the loan application directly or indirectly from the lender);
- (c) said borrower transmitting the executed loan application to said licensed lender (see at least paragraph 0018);
- (d) said licensed lender accepting and processing the loan application (see at least paragraph 0018);
- (e) said licensed lender approving the loan application (see at least paragraph 0018);
- (f) said licensed lender pursuant to authorization of borrower automatically opening an account (at the lender location) for said borrower at a banking institution located in the same state jurisdiction as said licensed lender and said licensed lender's banking institution (see at least paragraph 0062, the central processing station and the lender location are in a remote location from the borrower such as another state as described in at least paragraph 0014);
- (g) said licensed lender disbursing the loan proceeds from its funding account at said licensed lender's banking institution to said borrower's newly created bank account (see at least paragraph 0062, the central processing station repaying the lender location);
- (h) automatically wiring the loan proceeds from said borrower's new bank account at said banking institution in the same state jurisdiction as said licensed lender and said

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licensed lender's banking institution to a bank checking account of said borrower in a different state jurisdiction where said borrower resides or currently banks (see at least paragraph 0062, the lender location depositing money into the debtor's account);

(i) and, said licensed lender, pursuant to a pre-authorization by borrower, arranging repayment of said loan (see at least paragraph 0071, repayment is cashing the debtor's check on the agreed date).

Examiner's note: Until bank deregulation allows for true interstate banking, see at least paragraph 0050, the newly created account opened by the lender at the lender location is in the same state as the lender as specified in claim 1(g).

12. **As per claim 2**, Mon teaches:

- wherein the loan is a payday loan (see at least paragraph 0027).

13. **As per claim 4**, Mon teaches:

- wherein the method further comprises verifying the identity of the borrower (see at least paragraph 0076).

14. **As per claim 5**, Mon teaches:

- wherein said *newly created account* for the out-of-state borrower is at the same banking institution as the licensed payday lender and its banking institution (see at least paragraph 0061, the central processing stations "have" lender locations means that they are parts of the same banking institution).

15. **As per claim 6**, Mon teaches:

- wherein said *newly created account* for the out-of-state borrower is at a different banking institution than said lender's banking institution but in the same jurisdiction (see at least paragraph 0062, the lending institution "hires runners at each location" means that the lending institution and the lending locations are separate banking institutions).

16. **As per claim 7**, Mon teaches:

- wherein the loan application specifies the state jurisdiction of the loan transaction as being the same as the state where the licensed lender and its banking institution are located (see at least paragraph 0050, currently without interstate banking, the jurisdiction for the loan transaction is the same as the state that the lender is located).

17. **As per claim 9**, Mon teaches:

- receiving a request from the borrower for an extension or rollover of the repayment date, extending the date and charging the borrower an additional loan fee for the extension or rollover (see at least paragraph 0058).

18. **As per claim 10**, Mon teaches:

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- wherein the borrower is outside the United States and the loan is an international loan (see at least paragraph 0050).

19. **As per claim 13**, Mon teaches:

- wherein step (i) said arranging repayment of said loan is through the Federal Reserve to debit the loan amount and accrued interest and fees from said bank account of borrower in his/her home state jurisdiction by having such money wired to the bank account of the licensed lender at said licensed lender's banking institution (see at least paragraph 0071, when the borrower's and the lender's banking institution are different as described in claim 6, the repayment of the loan and associated fees is by wiring money through the Federal Reserve).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claims 3, 8, 11, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mon, US 2002/0055904.

22. **As per claim 3:**



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Mon teaches claim 1 as described above. He does not specifically teach that the loan can be a title loan. However, the examiner takes **Official Notice** that it is old and well known in the field of finance that a title loan is a common type of short term loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend Mon to also provide title loans with motivation to provide a wide variety of well known short term loans to fit a borrower's needs so that the lender can process and profit from more loans.

23. **As per claim 8**, Mon teaches:

Mon teaches claim 1 as described above. He further teaches receiving the loan application via facsimile or the Internet, see at least paragraph 0061. He does not specifically teach receiving the loan application via e-mail. However, the examiner takes **Official Notice** that it is old and well known in the field of finance to transfer information via e-mail including a loan application. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend Mon to also accept loan applications via e-mail with motivation to provide a wide variety of well known methods of information transfer to fit a borrower's preferences so that the lender can process and profit from more loans.

24. **As per claim 11 and 12**, Mon teaches:

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Mon teaches claim 1 as described above. He further teaches types of short term loans and a duration of until the debtor receives his or her next paycheck, see at least paragraph 0007. He does not specifically teach that the duration is less than about 5 years or less than about 1 month. However, the examiner takes **Official Notice** that it is old and well known in the field of finance to periodically pay people daily, weekly, bi-weekly. All of these durations are less than about 5 years and 1 month. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend Mon to limit the duration of the short term loans to less than about 5 years or 1 month with motivation to limit the amount of risk the lender takes by limiting the length of time on the loan.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan Tran whose telephone number is 571-270-1832. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thuan Tran  
Patent Examiner  
10-23-2007

  
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10/24/07